

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 01/09/2024

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X		
PETER FRANCIS KENNEDY,	:	
	:	
Plaintiff,	:	
-against-	:	
	:	23-CV-10073 (VEC)
HWY 31 EXCHANGE INC., MARK ANTHONY	:	
HAFNER, TANIA RENEE OROPESA	:	<u>ORDER</u>
	:	
	:	
Defendants.	:	
-----X		

VALERIE CAPRONI, United States District Judge:

WHEREAS on November 14, 2023, Shiplane Transport, Inc. (“Shiplane”) filed this action *pro se*, *see* Compl., Dkt. 1;

WHEREAS on November 21, 2023, Judge Laura Swain issued an order notifying Shiplane that a corporation can only appear in federal court if it is represented by an attorney, and that the Court would dismiss the action within 30 days if Shiplane did not hire counsel and direct counsel to file a notice of appearance, *see* Order, Dkt., 2 (citing *Rowland v. Ca. Men’s Colony, Unit II Advisory Council*, 506 U.S. 194, 201–02 (1993); *Iannaccone v. Law*, 142 F.3d 553, 558 (2d Cir. 1998));

WHEREAS on November 28, 2023, Shiplane filed an Amended Complaint *pro se*, *see* Am. Compl., Dkt. 3;

WHEREAS on November 30, 2023, Peter Francis Kennedy (“Kennedy”) filed a purported Second Amended Complaint *pro se*, ostensibly terminating Shiplane as a plaintiff, yet alleging that Shiplane is both proceeding *pro se* and assigning its cause of action to Kennedy, *see* Purported SAC, Dkt. 4, ¶ 5 & pp. 18–19;

WHEREAS on December 6, 2023, Kennedy requested an order directing the U.S. Marshals to serve “the Summons and Complaint” on Defendants, *see* Letter, Dkt. 7;

WHEREAS on December 8, 2023, this case was reassigned to the Undersigned;

WHEREAS litigants may not “circumvent[]” the rule that corporations may not appear *pro se* in federal court by assigning a corporation’s claims to an individual, *Jones v. Niagara Frontier Transp. Auth.*, 722 F.2d 20, 23 (2d Cir. 1983) (affirming dismissal and concluding that a corporation could not assign its claim to an individual proceeding *pro se* on its behalf); *see also Sanchez v. Walentin*, 526 F. App’x 49, 51–52 (2d Cir. 2013) (same);

WHEREAS the Complaint, the Amended Complaint, and the purported Second Amended Complaint attach documents revealing the account numbers, passport numbers, and birthdates of entities or individuals other than Kennedy or Shiplane, *see, e.g.*, Compl. at 26–28; Am. Compl. at 27–29; Purported SAC at 31–34;

WHEREAS unless the Court orders otherwise, a public filing containing a birth date or financial-account number may include only the year of the individual’s birth and the last four digits of the financial-account number, *see* Fed. R. Civ. P. 5.2(a)(2), (4); and

WHEREAS a plaintiff may only amend the complaint without seeking leave from the Court one time before the defendant answers, *see* Fed. R. Civ. P. 15;

WHEREAS on December 15, 2023, the Court ordered that not later than Friday, January 12, 2024, Shiplane must (1) hire counsel; (2) direct counsel to file a notice of appearance on its behalf; and (3) file a second amended complaint that redacts any account numbers, passport numbers, or birthdates of individuals or entities other than Shiplane or Kennedy. The Court further ordered that if counsel for Shiplane does not appear on its behalf by the Court’s deadline, the Court will dismiss the action without prejudice because corporations may not appear *pro se* in federal court, *see* Order, Dkt. 9;

WHEREAS on January 8, 2024, the Court was notified that its December 15, 2023 Order was returned as undeliverable; and

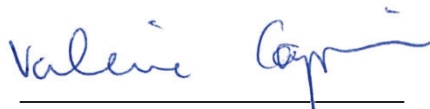
WHEREAS Shiplane's website indicates that its address is 2620 — not 620 — N. Oak Park Ave., Chicago, IL 60707;

IT IS HEREBY ORDERED that the Clerk of Court is respectfully directed to mail the Court's December 15, 2023 Order (Dkt. 9) and this Order to Peter Francis Kennedy and Shiplane Transport, Inc., at 2620 N. Oak Park Ave., Chicago, IL 60707, and to note the mailing on the docket. The Clerk of Court is further directed to revise Shiplane's address on the docket to 2620 N. Oak Park Ave., Chicago, IL 60707.

IT IS FURTHER ORDERED that Shiplane's deadline to (1) hire counsel; (2) direct counsel to file a notice of appearance on its behalf; and (3) file a second amended complaint that redacts any account numbers, passport numbers, or birthdates of individuals or entities other than Shiplane or Kennedy is hereby extended from Friday, January 12, 2024, to **Friday, February 2, 2024**.

SO ORDERED.

Date: January 9, 2024
New York, New York



VALERIE CAPRONI
United States District Judge